

Exhibit E

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF PENNSYLVANIA

VALERIE W. WAKEFIELD,)	CIVIL DIVISION
)	
Plaintiff,)	Civil Action No. 05 CV 79 - Erie }
)	Honorable Maurice B. Cohill, Jr.
V.)	
)	
JOY MINING MACHINERY COMPANY, a)	
division of Hmischfeger Industries,)	JURY TRIAL DEMANDED
)	
Defendant.)	
)	

STATE OF NORTH CAROLINA

SS

COUNTY OF WAKE

AFFIDAVIT OF BOWARD J. HORTON, JR.

The undersigned, Howard J. Horton, Jr., being sworn, deposes and states as follows based on personal knowledge:

1. My name is Howard J. Horton, Jr..
2. I worked for Joy Mining Machinery from August 12, 1968 until October 14, 1988 at the Franklin, Pennsylvania facility.
3. I was the IS Manager at that facility.
4. Ellie Averill worked in the department that I managed.
5. I recall who Ellie Averill is.
6. Ellie Averill never complained to me or reported any allegations of sexual misconduct by Larry Meade, or any Joy employee.

r^J

7. No complaints of sexual harassment were made to me by any Joy

employee while I was the IS Manager - or at any time that I worked for

Joy.


HOWARD J. HORTON, JR.

fu.

Sworn to and subscribed before me this

~^{iP} day of YY\DJU .2007.



Notary Public »C!\3~A W~. ~~+; tV

M3T Commission Expires: S IL-lj e rz I d2. 0 Df